

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No.: EDCV 08-771-AG (OP)

Date: August 7, 2008

Title: Paris Cherer v. Lieutenant Williams, et al.

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PRESENT: THE HONORABLE	<u>OSWALD PARADA</u>	<input type="checkbox"/> U.S. DISTRICT JUDGE
		<input checked="" type="checkbox"/> MAGISTRATE JUDGE
<u>Maynor Galvez</u>	<u>N/A</u>	<u>N/A</u>
Deputy Clerk	Court Reporter / Recorder	Tape No.

ATTORNEYS PRESENT FOR PLAINTIFFS:  
NONE

ATTORNEYS PRESENT FOR DEFENDANTS:  
NONE

**PROCEEDINGS: (IN CHAMBERS: MOTION TO RESOLVE PRELIMINARY MATTERS ALLOWING CASE TO PROCEED)**

On July 8, 2008, Paris Cherer ("Plaintiff"), filed a pro se Civil Rights Complaint pursuant to 42 U.S.C. § 1983, after being granted leave to proceed in forma pauperis. Plaintiff is a federal prisoner currently incarcerated at the Federal Medical Center ("FMC") Devens in Ayer, Massachusetts. On July 17, 2008, the Court dismissed the Complaint with leave to amend. Plaintiff's First Amended Complaint is due no later than August 23, 2008.

The Court has received Plaintiff's "Motion to Resolve Preliminary Matters Allowing Case to Proceed and Request for Immediate Injunctive Relief" dated July 24, 2008. In his motion, Plaintiff requests an order from the Court prohibiting the Bureau of Prisons from transferring him to any other penitentiaries. Rather, he seeks transfer to an institution which has programs available for sex offenders.

Prisoners have no liberty interest in avoiding being transferred to another prison. See Olim v. Wakinekona, 461 U.S. 238, 245, 103 S. Ct. 1741, 75 L. Ed. 2d 813 (1983); United States v. Brown, 59 F.3d 102, 105 (9th Cir. 1995) (per curiam). While a judge has wide discretion in determining the length and type of sentence, the court has no jurisdiction to select the place where the sentence will be served. United States v. Dragna, 746 F.2d 457,

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458 (9th Cir. 1984) (citation omitted). Authority to determine place of confinement resides in the executive branch of government, 18 U.S.C. § 4082(a), and is delegated to the Bureau of Prisons. Id. As the Court has no authority to grant the relief requested by Plaintiff, the Court denies the motion without prejudice.

IT IS SO ORDERED.

cc: All Parties of Record

Initials of Deputy Clerk  dts

CV-90 (10/98)

CIVIL MINUTES - GENERAL